

REMARKS

Applicant thanks Examiner Langel for his courtesies in discussing a draft supplemental reissue declaration and for consulting with SPRe Tierney to determine whether the proposed supplemental reissue declaration is sufficient to overcome the rejection of the claims as being based on a defective declaration. Applicant also thanks SPRe Tierney for her helpful suggestions in a telephone call with the undersigned.

Applicant notes that the pending Action discusses only claims 1-16 and appears to have overlooked claims 17-20 added by the Preliminary Amendment dated August 14, 2008. Applicant respectfully requests entry of that amendment and consideration of claims 17-20, which are reproduced above.

Applicant also proposes to amend the language "in the order of" in claims 15 and 16 to "approximately from" to track the language in other claims on this application. No new matter is introduced. Applicant has also corrected a typographical error in claim 19.

In response to the rejection of claims 1-16 as being based on a defective reissue declaration, applicant submits herewith his Third Supplemental Reissue Declaration. Applicant has corrected the declaration to indicate that he is the original, first and sole inventor of the claimed subject matter and has revised the language describing the error to be corrected by reissue on the second page. The declaration now explains that the error sought to be corrected by reissue is applicant's failure to present claims directed to the crystalline turbostratic boron nitride products disclosed in Examples 6 and 7 of the specification. In particular, applicant explains that he and his patent attorneys inadvertently failed to claim crystalline turbostratic boron nitride products exhibiting the X-ray diffraction patterns depicted in FIG. 7 of this patent and explained at column 19, lines 18-37. New claims 7-20 cover those examples. The error is not that claims 1-6 are themselves inoperative or invalid, only that they are inadequate in scope, an error commonly corrected by reissue. Applicant and his undersigned attorney have drafted the Third

Supplemental Reissue Declaration in light of their understanding of the requirements of MPEP 1414.II(C), as kindly pointed out by SPrE Tierney. Withdrawal of the rejection is therefore respectfully requested.

Finally, the Action indicates that the inventor's name is Osamu "Miyagawa." Although that was correct at one time, the Third Supplemental Reissue Declaration shows that applicant's name has now reverted to Osamu Yamamoto. Applicant respectfully requests that his name be changed on the file so that the reissue patent will issue with the correct inventor's name. If it is necessary for applicant to file a petition or other request, the undersigned requests an indication to that effect from the Examiner so that the reissue patent may be granted correctly.

Early action allowing claims 1-20 is solicited. If this response contains any formal error that may be overcome by amendment, the Examiner is respectfully requested to telephone the undersigned to discuss such amendments.

In the event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief, such as payment of a fee under 37 CFR 1.17 (p), is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 251002008830.

Dated: April 17, 2009

Respectfully submitted,

By 
Barry E. Bretschneider
Registration No. 28,055
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
Telephone: (703) 760-7743